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6
7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE DISTRICT OF ARIZONA

9 IN RE BARD IVC FILTERS PRODUCTS
LIABILITY LITIGATION

No. 2:15-MD-02641-PHX-DGC

10 This Document Applies to:

11 **ROBERT HINES**
12

**SECOND AMENDED MASTER
SHORT FORM COMPLAINT FOR
DAMAGES FOR INDIVIDUAL
CLAIMS AND DEMAND FOR JURY
TRIAL**

13
14 Plaintiff(s) named below, for their Complaint against Defendants named below,
15 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).
16 Plaintiff(s) further show the Court as follows:

17 1. Plaintiff/Deceased Party:

18 Robert Hines

19 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
20 consortium claim:

21 None

22 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

23 None

24 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the
25 time of implant:

26 Mississippi
27
28

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Mississippi

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Mississippi

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court for the Southern District of Mississippi

8. Defendants (Check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery[®] Vena Cava Filter

☒ G2[®] Vena Cava Filter

☐ G2[®] Express

☐ G2[®] X Vena Cava Filter

☐ Eclipse[®] Vena Cava Filter

☐ Meridian[®] Vena Cava Filter

☐ Denali[®] Vena Cava Filter

☐ Other: _____

11. Date of Implantation as to each product:

9/16/2009

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability – Design Defect

☒ Count IV: Negligence - Design

☒ Count V: Negligence - Manufacture

☒ Count VI: Negligence – Failure to Recall/Retrofit

☒ Count VII: Negligence – Failure to Warn

☒ Count VIII: Negligent Misrepresentation

☒ Count IX: Negligence *Per Se*

☒ Count X: Breach of Express Warranty

☒ Count XI: Breach of Implied Warranty

☒ Count XII: Fraudulent Misrepresentation

☒ Count XIII: Fraudulent Concealment

☒ Count XIV: Violations of Applicable MS Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices

☐ Count XV: Loss of Consortium

☐ Count XVI: Wrongful Death

☐ Count XVII: Survival

☒ Punitive Damages

☒ Other(s): All claims for Relief set forth in the Master Complaint for an amount to be determined by the trier of fact. (please

state the facts supporting this Count in the space
immediately below)

13. Jury Trial demanded for all issues so triable?

☒ Yes

☐ No

RESPECTFULLY SUBMITTED this 25th day of March, 2019.

By: /s/ John A. Dalimonte

John A. Dalimonte

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I hereby certify that on this 25th day of March, 2019 I electronically transmitted the
attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a
Notice of Electronic Filing.

/s/ John A. Dalimonte